THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15207 of 2007

Dated: 24-07-2007

Between:

Smt.V.Saraswathi.

..... PETITIONER

AND

The District Collector, East Godavari District, Kakinada, and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15207 of 2007

ORDER:

The petitioner assails notice dated 21.04.2007 issued by second respondent in Form II under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 2007, calling upon her to show-cause as to why land admeasuring Acs.2.50 in survey No.297/1 along with building and other structures situated at Athammavaram Village, Kakinada Rural Mandal, East Godavari District, should not be resumed for contravention of Section 3(2) of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977.

The petitioner alleges that she purchased subject land under registered sale deed dated 01.06.1982 from one D.M.Narayana Rao, who was granted patta being is a political sufferer, and that there is no prohibition for alienating the land assigned to freedom fighters. In spite of the same, second respondent issued the impugned notice ignoring the orders of the Government in G.O.Ms.No.1045 dated 15.12.2004, whereunder it was clarified by the Government that the freedom fights are free to sell the land assigned to them.

The learned counsel for the petitioner in assailing the impugned notice has reiterated the contentions taken in the affidavit accompanying the writ petition. **Opposing** the writ petition, the learned Assistant Government Pleader for Revenue (Assignment) points out that against a show-cause notice, writ petition would not lie, however, a strong case a person has. Therefore, this Court is not inclined to admit the writ petition. Though the impugned show-cause notice is dated 21.04.2007, the learned Assistant Government Pleader submits that the matter is still pending before second respondent. Therefore, the petitioner may approach second respondent, submit explanation and produce all the copies of the orders issued by the Government in the matter of assignment/allotment of land to freedom fighters. As and when such explanation is submitted, second respondent shall pass necessary orders taking into consideration G.O.Ms.No.1405 dated 15.12.2004. Two weeks time is granted to the petitioner to submit explanation to second respondent, who may dispose of the matter within a period of six weeks thereafter.

The writ petition, with the above observations, is accordingly disposed of. No costs.

(**V.V.S.RAO, J**)

24th July, 2007
Note: Issue CC by 30.07.2007.
B/o
ghn